

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

X

Master File No. 1:00-1898
MDL 1358 (SAS)

X

This Document Relates To:

Albertson Water District v. Amerada Hess Corp., et al., 08 CV 9618

**PLAINTIFF'S MOTION FOR
VOLUNTARY DISMISSAL
PURSUANT TO RULE 41(a)(2)**

X

Plaintiff Albertson Water District, by and through its attorneys, Napoli Bern Ripka & Associates, LLP, hereby moves, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, to dismiss without prejudice the above-captioned matter, with each party bearing its own costs.

Dated: New York, New York
July 6, 2010

NAPOLI, BERN RIPKA & ASSOCIATES, LLP
Attorneys for Plaintiff
3500 Sunrise Highway
Great River, New York 11739
212-267-3700

By: 
Tate J. Kunkle (TK1379)

USDC SDNY
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DOC #: _____
DATE FILED: <u>7/7/10</u>

Dated: Jul 7, 2010

SO ORDERED:


Hon. Shira A. Scheindlin

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2010, a true and correct copy of Plaintiff's Motion For Voluntary Dismissal Pursuant To Rule 41(a)(2) was electronically served on counsel of record by posting it directly to LexisNexis File & Serve.



Tate J. Kunkle (TK1379)

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**DECLARATION OF TATE J.
KUNKLE IN SUPPORT OF
PLAINTIFF'S MOTION FOR
VOLUNTARY DISMISSAL**

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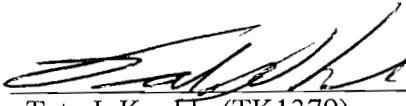
Tate J. Kunkle, an attorney duly licensed to practice before the Courts of the State of New York and a member of the bar of this Honorable Court, hereby declares under penalty of perjury, that the following facts are true to the best of my knowledge, information and belief:

1. I am an attorney duly admitted to practice law in the state courts of New York and the Federal District Court for the Southern District of New York and am counsel for the Plaintiff in the above-captioned matter.
2. On November 7, 2008, Plaintiff commenced this action in the Federal District Court for the Southern District of New York.
3. Minimal discovery or other work has been conducted in this matter.
4. Pursuant the Court's March 9, 2009 Opinion and Order, Plaintiff's state law claims against all defendants were dismissed. Plaintiff's sole remaining claim in this Court is based violations of the Toxic Substances Control Act ("TSCA") alleged against ExxonMobil, ChevronTexaco, Lyondell, and Shell, and their affiliates ("TSCA Defendants").
5. Plaintiff has decided not to pursue its TSCA claims in this Court against the TSCA Defendants.
6. Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff now moves for dismissal without prejudice.

WHEREFORE, Plaintiff Albertson Water District respectfully asks this Court to grant the within motion, with each party to bear its own costs.

Dated: New York, New York
July 6, 2010

NAPOLI, BERN RIPKA & ASSOCIATES, LLP
Attorneys for Plaintiff
3500 Sunrise Highway
Great River, New York 11739
212-267-3700

By: 

Tate J. Kunkle (TK1379)